

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

STATE FARM MUTUAL  
AUTOMOBILE INSURANCE  
COMPANY,

Plaintiff,

Case No. 2:16-cv-13040  
District Judge Avern Cohn  
Magistrate Judge Anthony P. Patti

v.

ELITE HEALTH CENTERS, INC.,  
ELITE CHIROPRACTIC, P.C., ELITE  
REHABILITATION, INC., MIDWEST  
MEDICAL ASSOCIATES, INC., PURE  
REHABILITATION, INC., DEREK L.  
BITTNER, D.C., P.C., MARK A.  
RADOM, DEREK LAWRENCE  
BITTNER, D.C., RYAN MATTHEW  
LUKOWSKI, D.C., MICHAEL P.  
DRAPLIN, D.C., NOEL H. UPFALL,  
D.O., MARK J. JUSKA, M.D.,  
SUPERIOR DIAGNOSTICS, INC.,  
CHINTAN DESAI, M.D., MICHAEL J.  
PALEY, M.D., DEARBORN CENTER  
FOR PHYSICAL THERAPY, L.L.C.,  
MICHIGAN CENTER FOR  
PHYSICAL THERAPY, INC., and  
JAYSON ROSETT

Defendants.

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**ORDER DENYING STATE FARM MUTUAL'S MOTION TO COMPEL  
HARRIET MORSE TO PRODUCE DOCUMENTS RESPONSIVE TO  
STATE FARM MUTUAL'S SUBPOENA (DEs 143, 144)**

This matter is before the Court for consideration of State Farm Mutual Automobile Insurance Company's (State Farm) motion to compel Harriet Morse to produce documents responsive to State Farm's subpoena (DEs 143, 144), non-party Harriet Morse's response (DE 186), State Farm's reply (DE 232), and the joint statement of resolved and unresolved issues (DE 242-1). All discovery matters have been referred to me for hearing and determination (DE 229), and a hearing was held on this motion on March 22, 2019, at which the Court entertained oral argument regarding the unresolved issues.

Upon consideration of the motion papers and oral argument, and for all of the reasons stated on the record by the Court, which are herein incorporated by reference as though fully restated herein, State Farm's motion to compel Harriet Morse to produce documents responsive to State Farm's subpoena (DEs 143, 144) is **DENIED**, as the Court is satisfied that Harriet Morse has complied with the requests in the subpoena and that she has not withheld any documents on the basis of privilege, negating the need for a privilege log.

Finally, the Court declines to award costs because both sides' positions were substantially justified and required rulings from the Court, and because better communication from both sides could have obviated the need to go forward with this motion. As such, an award of costs would not be appropriate or just in this matter.

**IT IS SO ORDERED.**

Dated: March 25, 2019

s/ *Anthony P. Patti*

Anthony P. Patti

UNITED STATES MAGISTRATE JUDGE

**Certificate of Service**

I hereby certify that a copy of the foregoing document was sent to parties of record on March 25, 2019, electronically and/or by U.S. Mail.

s/ Michael Williams

Case Manager for the

Honorable Anthony P. Patti